

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

LUCILO FEDERICO BARONA,

Petitioner,

V.

WARDEN BERGEN COUNTY JAIL,

Respondent.

Civil Action No. 17-12977 (JMV)

OPINION

APPEARANCES:

LUCILO FEDERICO BARONA

A030-952-745

Bergen County Jail

160 River St.

Hackensack, NJ 07601

Petitioner, *pro se*

FRANCES C. BAJADA, Esq.

United States Attorney's Office

970 Broad Street

Newark, NJ 07102

On behalf of Respondent

VAZQUEZ, United States District Judge

On December 12, 2017, Petitioner filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (ECF No. 1), challenging his detention his detention since July 17, 2017, by the U.S. Immigration and Customs Enforcement (“ICE”). (ECF No. 1 at 2.) This Court ordered Respondent to answer the petition. (ECF No. 2.) On January 9, 2018, Respondent submitted a form I-205, indicating that Petitioner was removed from the United States, departing from Miami,

Florida, on December 19, 2017. (ECF No. 4 at 4.) Respondent contends the habeas petition is moot. (ECF No. 4 at 1.)

A habeas petition “generally becomes moot when [a petitioner] is released from custody” because there is no longer “an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision.” *Vasquez v. Aviles*, 639 F. App’x 898, 902 (3d Cir. 2016) (quoting *DeFoy v. McCullough*, 393 F.3d 439, 442 (3d Cir. 2005)). The present petition no longer presents a case or controversy under Article III, § 2 of the United States Constitution because Petitioner is no longer detained by ICE. *See id.* (finding petition moot where there were no collateral consequences that could be addressed by success on the petition after removal) (citing *Abdala v. I.N.S.*, 488 F.3d 1061, 1064 (9th Cir. 2007)). Therefore, the petition is dismissed as moot.

An appropriate Order follows.

Date: January 12, 2018
At Newark, New Jersey

s/ John Michael Vazquez
JOHN MICHAEL VAZQUEZ
United States District Judge